

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 9-21, 27-42, 49-63, 69-84 and 91 are currently pending in the application. Claim 82 is amended; and Claims 1-8, 22-26, 43-48, 64-68 and 85-90 are canceled without prejudice or disclaimer by the present amendment. No new matter is presented.

This amendment is submitted in accordance with 37 C.F.R. § 1.116, which after final rejection permits entering of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action or presenting the rejected claims in better form for consideration on appeal. The present amendment cancels withdrawn claims and complies with a requirement of form expressly set forth in a previous Office Action by correcting minor informalities in Claim 82. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. § 1.116.

In the outstanding Office Action, Claim 82 was rejected under 35 U.S.C. § 112, second paragraph; Claims 9, 10, 17, 18, 27, 28, 32, 33, 49, 50, 69 and 70 were rejected under 35 U.S.C. § 103(a) as unpatentable over Chen et al. (U.S. Pat. 6,182,220, herein, Chen) in view of Matelan et al. (U.S. Pat. 4,870,704, herein Matelan); Claims 55, 56, 74 and 75 were rejected under 35 U.S.C. § 103(a) as unpatentable over Chen in view of Matelan and Komarla et al. (U.S. Pat. 7,207,039, herein Komarla); Claims 11, 19, 29, 34, 51, 57, 71 and 76 were rejected under 35 U.S.C. § 103(a) as unpatentable over Chen in view of “an obvious duplication of parts,” Matelan and Komarla; Claims 14, 15, 38, 39, 60 and 61 were rejected under 35 U.S.C. § 103(a) as unpatentable over Chen in view of Matelan and Box et al. (Simple Object Axis Protocol (SOAP) 1.1 p. 5, herein Box); Claims 12, 16, 20, 30, 36, 40, 53, 58, 62, 72, 78 and 80-82 were rejected under 35 U.S.C. § 103(a) as unpatentable over Chen in view of Matelan, Komarla and Box; Claims 13, 21, 31, 37, 54, 59, 73 and 79 were

rejected under 35 U.S.C. § 103(a) as unpatentable over Chen in view of Matelan, Komarla, Aman et al. (U.S. Pat. 6,249,800, herein Aman) and Gase (U.S. Pat. 6,184,996); Claims 35, 52 and 57 were rejected under 35 U.S.C. § 103(a) as unpatentable over Chen in view of Matelan, Komarla and Narin (U.S. Publication 2002/0091755); Claims 41 and 83 were rejected under 35 U.S.C. § 103(a) as unpatentable over Chen in view of Matelan, Komarla, Box and Narin; and Claims 42, 63, 84 and 91 were rejected under 35 U.S.C. § 103(a) as unpatentable over Chen in view of Matelan, Komarla, Box, Aman and Gase.

The outstanding Office Action rejected Claim 82 under 35 U.S.C. § 112, second paragraph, because the phrase “client third storage means...” was duplicative in the claim. In response, the second instance of this phrase is amended to recite “server third storage means...”

Accordingly, Applicant respectfully requests that the rejection to Claim 82 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claims 9, 10, 14, 15, 17, 18, 27, 28, 32, 33, 38, 39, 49, 50, 60, 61, 69 and 70 were rejected under 35 U.S.C. § 103(a) as unpatentable over Chen in view of Matelan and/or Box. Applicants respectfully traverse this rejection, as independent Claims 9, 14, 17, 27, 32, 38, 49, 60 and 69 recite novel features clearly not taught nor rendered obvious by the applied references.

Amended independent Claim 9 is directed to a communication apparatus configured to communicate with another communication apparatus as a communication counterpart. Particularly, independent Claim 9 recites that the communication apparatus comprises:

...a memory configured to store data *indicating a status of each of the operation requests transmitted and received between the communication apparatus and the communication counterpart.*

Independent Claims 14, 17, 27, 32, 38, 49, 60 and 69, while directed to alternative embodiments, recite features similar to those emphasized above. Accordingly, the remarks and arguments presented below are applicable to each of the above-noted independent claims.

In rejecting independent Claim 9, the Office Action cites Chen as disclosing Applicant's claimed invention with the exception of "a memory configured to store data indicating a status of each of the operation requests." The Office Action cites Matelan as disclosing this claimed feature and asserts that it would have been obvious to one of ordinary skill in the art to combine the cited reference to arrive at Applicant's claims. Applicant respectfully traverses this rejection, as Matelan fails to teach or suggest the claimed features for which it is asserted as a secondary reference under 35 U.S.C. § 103.

Matelan describes a multiple computer digital processing system including several Local Buses positioned orthogonally to a Common Bus.¹ Each Local Bus is connected to the Common Bus through a plugably connected Common Bus interface card to provide a transfer of information between Local Buses across the Common Bus.

Matelan, however, fails to teach or suggest a communication apparatus (e.g., client or server) that includes "a memory configured to store data indicating a status of *each of the operation requests transmitted and received between the communication apparatus and the communication counterpart*," as recited in independent Claim 9.

In rejecting this claimed feature, the Office Action relies on col. 41, ll. 17-20 of Matelan. This cited portion of Matelan describes a Common Lock Bus, which is a section of the Common Bus, that stores a "LOCK OPERATION STATUS" register that contains the result of every request operation. As described at col. 38, ll. 41-59, the Common Lock Bus provides hardware supported, mutually exclusion for data in common memory, that is shared between different processors and also provides mutual exclusion for other shared devices.

¹ Matelan, Abstract.

Thus, the “LOCK OPERATION STATUS” register is a part of the Common Bus, which is a communication interface used by the processors to communicate with one another via each device’s Local Bus. The Common Bus is not a communication apparatus that exchanges operation requests and operation responses with a counterpart communication device, as claimed. More specifically, the Common Bus of Matelan can not reasonably be considered analogous to the claimed communication apparatus, because it does not issue operation requests and operation responses, but instead facilitates the exchange of the operation requests and responses between processing devices. And Matelan fails to disclose that the processing apparatuses in his system include a memory configured to store operation requests and the results thereof, as claimed.

Thus, Matelan fails to teach or suggest a communication device, as claimed, that includes “a memory configured to store data indicating *a status of each of the operation requests transmitted and received between the communication apparatus and the communication counterpart*,” as recited in independent Claim 9.

Box is relied upon only to describe the concept of using SOAP in requests and responses, and also fails to teach or suggest the above-noted configuration recited in independent Claim 9.

Accordingly, Applicant respectfully requests that the rejection of Claims 9, 10, 14, 15, 17, 18, 27, 28, 32, 33, 38, 39, 49, 50, 60, 61, 69 and 70 under 35 U.S.C. § 103(a) as unpatentable over Chen in view of Matelan and/or Box be withdrawn.

Claims 11-13, 16, 19-21, 29-31, 34-37, 40-42, 51-55, 56-59, 62, 63, 71-74, 75, 76, 78-84 and 91 were rejected under 35 U.S.C. § 103(a) as unpatentable over Chen in view of Matelan, Komarla, Box, Aman, Gase and/or Narin.

Applicant notes, the present application claims priority from Japanese Patent Application Nos. 2002-276451, 2003-305514, 2003-305511, 2003-305506, 2002-272978,

2003-305517 and 2003-305513 filed September 24, 2002, August 28, 2003, August 28, 2003, August 28, 2003, September 19, 2002, August 28, 2003 and August 28, 2003, respectively. In accordance with 37 C.F.R. §1.55(a)(4), enclosed please find an English translation of the certified copy of this application, along with a statement that the translation of the certified copy is accurate. (A certified copy of this application was previously submitted.) Applicant respectfully submits that the enclosed documents perfect the claim to priority to Japanese Patent Application Nos. 2002-276451, 2003-305514, 2003-305511, 2003-305506, 2002-272978, 2003-305517 and 2003-305513 under 35 U.S.C. §119. The filing date of each of the above noted priority documents, antedate the earliest filing date of December 24, 2003 of Komarla. Therefore, Applicant respectfully submits that Komarla does not qualify as prior art with respect to the present application. Accordingly, application of the Komarla reference in this anticipation rejection is improper. Further, as Komarla was first cited in the outstanding Final Office Action, Applicant notes that perfecting priority to the above noted foreign applications at this time is proper.

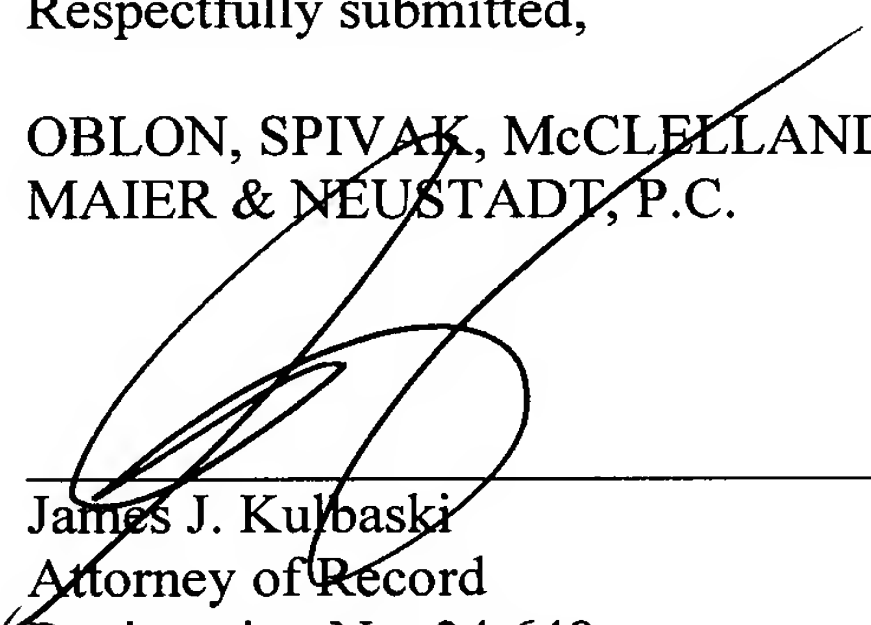
Therefore, as the above noted rejections under 35 U.S.C. § 103(a) each rely on Komarla, Applicant respectfully submits this rejection is traversed as Komarla may not be applied as a basis for supporting an anticipation rejection or a *prima facie* case of obviousness, as Komarla does not qualify as prior art under 35 U.S.C. §103.

Accordingly, Applicant respectfully requests that the rejection of Claims 11-13, 16, 19-21, 29-31, 34-37, 40-42, 51-55, 56-59, 62, 63, 71-74, 75, 76, 78-84 and 91 under 35 U.S.C. § 103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 9-21, 27-42, 49-63, 69-84 and 91 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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